

August 19, 2013

PRESENT: Richard Nichols, Chairman  
Michael Pierce, Vice-Chairman  
Philip Bean, Selectman  
Mary-Louise Woolsey, Selectman  
Michael Plouffe, Selectman  
Frederick Welch, Town Manager

#### SALUTE TO THE FLAG

#### I. Public Comment Period (5:451)

Nancy Stiles, Hayden Circle, made comments as follows: watching last weeks meeting; shocked to hear the discussion on the repellence of 79E; explained 79E in detail for the public to understand; power is in the hands of the Selectman and how they are the ones to approve all applications and set terms; uptown revitalization; value of return in investment; assessed value of the unsightly property on the corner of Winnacunnet Road and Lafayette Road; how 79E encourages people to move forward on such properties; talked about other properties at the beach; knows the Board wants to encourage revitalization; not an inviting statement if they put forward a warrant article to repeal 79E.

William Sullivan, 12 Colonial Circle, made comments as follows: traffic light on High St. and Lafayette Road; thinks the new signal cycle is working just fine.

Charlie Preston made comments as follows: A Block and fire; high winds and power outages; fire engine being stuck in the station; storms can be very costly; recent ZBA decision to change the heights; effect climate change has had on this community; past flow rates compared to future flow rates; importance of letting the voters decide about decisions that have such an impact on the community.

Russell Bridle, 225 Towle Farm Rd, made comments as follows: thanked the 375<sup>th</sup> Commission for a great event; entire community put this event on; would have liked to see larger attendance; Fire Prevention and need for help; glad to see the Board is looking at this; position needs to be fulltime; hopes the Board supports this position.

Victor Demarco, 11 Milbern Ave, made comments as follows: like to clarify some things in regards to Parking Lots that the Board discussed with the Chamber of Commerce during Seafood Festival; parking lots have always been open starting at 7 am until 9 pm or 10 pm; have charged the going rate for the day; vendor wanted to stay overnight they would pay day rate plus \$25; always been manned starting at 7 am; currently \$65,000 ahead of last year; expressed concerns with the Chairman having applied for the State job at the beach; concerns with Chairman serving in the best interest of the Town and commented on the incident a year

or so ago when he did not vote because he wanted the Town Manager's job; feels the Chairman should resign; commented on the statistics that the Chairman comes out with and discrepancies he sees with them. Chairman Nichols made comments as follows: had Mr. Welch confirm that the calculations for the side arm trucks came from the Finance Department and that Chairman Nichols did not participate directly in the negotiations with the State; he does take it personally; does not think that kind of dialogue is good for the Town of Hampton or future candidates to serve on Boards.

Arthur Moody, 3 Thomsen Road, made comments as follows: came to finish Goody Cole story; resolution read from the President of the Senate; Betty Moore gave a background of the stone; traffic light study done by an expert; explained how the intersection works at Hannaford and other intersections on Rte. 1; these other intersections work the same and work well; work requested to do at Ruth Stimson Park last week and the Town flower; he would believe the Town flower is a red rose.

John Nyhan, 2 Walnut Ave, made comments as follows: strong supporter of 79E; gave communities revitalization; how this Board is completely in control of what applications are approved and restrictions that can be applied; looks at 79E for the whole Town and not just the beach.

Bob Preston made comments as follows: a lot of effort went into 79E; does not understand why the Board would want to rescind this; Board has the option; loss and devastation from fire or floods; option to have in tool box for the future.

## II. Announcements and Community Calendar (36:33)

Selectman Bean just wants to correct a statement made on Patch in regards to 79E and the discussion has nothing to do directly with Sea Spray or Green Company and the law does not allow the Board to rescind the relief already granted to this project.

Selectman Woolsey made comments as follows: has requested many times to sit down directly with the State in regards to JOP; Channel 22 series in regards to the marshes; commented on the ZBA and residents who came in to speak on this project in their neighborhoods.

Selectman Pierce announced a problem he had with his answering machine a week or two ago and if anyone left a message please return the call.

## III. Appointments

1. John Nyhan, Hampton Beach Area Commission (39:47)
  - a. A-Block Development – 253-275 Ocean Blvd

John Nyhan made comments as follows: here as Chairperson of the HBAC; asked by Chairman of this Board to come in and speak with regard to the recent Beach Commissions decision to support the Green Project located at 253 and 275 Ocean Blvd; also thought it would give those watching on TV a chance to see where the Beach Commission is coming from in regards to their support; shared the history of the Commission; HBAC established in 2003 following the development of the Master Plan; gave a breakdown of the 9 commissioners; showed the Master Plan and what makes up this plan; commission established to work on the recommendations in the Master Plan; one area is land use; HBAC

has no authorization on any votes made by the Town or the State; have an opportunity to provide an opinion if they so see fit; 2006 HBAC formed a sub-committee for revitalization guidelines; committee reviewed the Master Plan in detail; came up with list of recommended revitalization guidelines; submitted the guidelines to the Building Inspector; purpose was to stabilize and reinforce property values to protect private and public investment, to prevent the decline of neighborhood and business district and upgrade building quality, to preserve and reinforce the natural and historical architectural qualities of the neighborhoods and commercial areas, attract development and redevelopment by establishing neighborhood and commercial conditions that make for an attractive and pleasant living and working environment; explained what these guidelines cover; guidelines adopted in 2007 and submitted to Building Inspector for anyone developing a property on the beach; many builders have chosen to sit with HBAC and that is what was done; Green & Company came to HBAC 3 times and mentioned the projects involved; discussed the meeting they had with Green & Company; project endorsed by the majority of the HBAC; letter sent to Vic Lessard sharing the HBAC's support of the project; 6 of the 7 design standards were met and listed out each in detail; did not meet the height standard; went through the many discussions that they had in regards to height; need for mass and scale to make the project work; HBAC working with Planning Board on a warrant article for next year in regards to height of building at least in the commercial district of the beach; keep in mind HBAC can only give an opinion and does not have the ability to make any decisions; showed a picture of what everyone has looked at down at Hampton Beach for the past several years; major eye sore in his opinion; parking lot only contributes \$34k in tax revenue; project would contribute close to \$500k; 8 upscale retail stores that would be added; have listened to people about whether there is a need for more hotel rooms; possibility of adding hotel rooms to existing properties; parking lot on this property charging \$50 and this is not conducive to bringing families down to the beach; realize this height goes against their original guidelines but the beach is changing; things are different in 2013 as an opposed to 2001; project can only be feasible on the A-Block; HBAC would not support this project on any other block on the beach; height standards need to be revisited; read last paragraph of his letter to Mr. Lessard.

Board Members Woolsey, Pierce, Bean, Plouffe and Nichols made comments and asked questions as follows: not here to have the Town held hostage to builders, Portsmouth is in the process of lowering height restrictions, like the 339-345 Ocean Blvd proposal, this is missing access for fire apparatus, premature for the HBAC to jump in even before the Zoning Board has looked at the project, height restriction is currently 50 feet, Town has ordinances, these proposed projects are going to really increase influent to the WWTP; looks at HBAC as a Commission that should be looking at what we can do to get the beach moving in a good direction, does not look at HBAC as a vehicle by a construction company can use to get projects approved, let the legislative body decide on height restrictions, revisiting the Master Plan to move the community in the direction we want to go, asking Zoning Board to violate the rules is just wrong, if allowed to get by with this, then construction companies going to go forward will ask for more and more, HBAC was wrong to endorse this project, Zoning Board is a small group and should not be the ones who decide to approve this change in height, it should be left to the voters; prime piece of property, can't believe there is no other use for this property, not enthused about how this has been handled; how much bigger is this project then Sea Spray and the value of the all three projects; will Green & Company be seeking 79E relief and it is not known at this time, great that HBAC is out front doing this

ground work, this Board needs to make sure that they have a negotiating phase especially after the last project, make sure this Board goes slow and not be marching off to court, thinks Green & Company is a great company; thinks this is a great discussion, talked about when the voters agreed to change the height from 30 to 50 feet, expressed concern with going from 50 feet to 100 feet, problem with certain areas not seeing the sun and shadows that would be created, lot went through tremendous fire and remained vacant for number of years, thinks it should go to the voters to decide about height restrictions, maybe there is a compromise, but there is a need involve the whole community, and have the process go through Town Meeting; has no problem with the height, has an issue with Legislative body being left out of the decision; putting these 3 projects into perspective; cumulative impact of these 3 projects is huge; number of new properties compared to current properties in the area; double the properties in North Beach; this is defacto land use planning by variances through the ZBA; see a lot more good in this project and this will help the taxpayer but we are an SB2 Town, the voters need to weigh in on this, this is a major decision, shared some history of beaches going through changes, development of any kind in the end is a double edge sword, read an article about Nantasket Beach in Hull, MA concerning height reduction, traffic; projects like this can have a negative impact and eliminate the small businesses on the beach.

Mr. Nyhan made the following additional comments: mutual agreement between the Town and HBAC in 2007 to put some guidelines together; incident at the Zoning Board meeting last week when a small group of people came out and shut down a large apartment complex project; it is important that people come out and express their opinions, either pro or con; freedom of speech is important.

2. Chris Silver, Fire Chief (1:26:13)
  - a. Departmental Update

Chief Silver made comments as follows: recognition of department members over the past couple of months; events that they participated in over the summer; hosted annual Strawberry Festival; recognized following individuals FF Carpentier, FF Jameson, Officer Deluca for water rescue; Fire Station update provided; should be able to move in to Winnacunnet Road in about 4 weeks; Beach Station should be completed in October or November; YTD EMS statistics; YTD fire statistics will be sent to them.

Board Members Woolsey, Pierce and Nichols asked questions and made comments as follows which were addressed by Chief Silver: are ambulance run billing back on track; when will Precinct be able to move in to their new spacious quarters; how long will it take before the old building is demolished; how long did it take for the boat to respond to rescue in the ocean. Chief Silver explained in detail how the response time works in regards to water rescues. Selectman Woolsey discussed in detail the State Jetty and possible future legislation that they might wish to discuss with the State Representatives when they come in.

- b. Pumper 2014 Warrant Article (1:37:57)

Chairman Nichols explained the following: Chief had this in the CIP for 2015; been at that year for at least 2 to 3 years; Selectman Woolsey proposed moving this into 2014.

Selectman Woolsey made comments as follows: talking about a 1988 pumper; put this as a warrant article with a 5 year note; how soon could we get this apparatus on sight.

Note: Draft minutes are subject to corrections, additions and deletions.

Chief Silver made comments as follows: minimum build time for this pumper is 8 months; start to finish process is about 12 months; should have been replaced earlier; reason it has not been replaced is because they did not have the space to house the size increase of new pumper; had put on for 2015 because of capital reserve article that was put on ballot in 2013 and hopes that this would lower the amount needed for pumper.

Selectman Pierce made comments as follows: is there a need to replace the 1988 pumper; so by supporting the two fire stations have forced a new pumper on the taxpayers; can the 1988 pumper pump water.

Selectman Nichols made comments as follows: if bought out right in 2014 tax increase would go from 8% to 11%; if financed over a 5 year period we would add an additional \$62k in interest.

Selectman Woolsey MOTIONED to move the pumper truck into 2014 on the basis of spreading it out on a 5 year note SECONDED by Selectman Bean.

VOTE: 3(Bean,Woolsey,Plouffe)-2(Pierce,Nichols)-0

c. Ambulance Purchase Bid Update (1:43:55)

Chief Silver made comments as follows: put out for sealed bids; negotiations with bidder and increased cost; January of 2013 sent out to bid again; week ago the vendor who was awarded the bid withdrew; does have another qualified bidder for a cost of \$175,614; needs to seek the Boards approval to begin negotiating a final contract with new vendor Minuteman Fire Rescue Apparatus; bid right in line with other bids received.

Selectman Nichols asked if Chief Silver will he come back when he has the final amount. Chief Silver stated this is the final amount.

Selectman Woolsey MOTIONED that they authorize the purchase of the ambulance at \$176,000 from Minuteman Fire Rescue Apparatus SECONDED by Selectman Plouffe.

VOTE: 5-0-0

d. Fire Station Dispatch Equipment (1:47:44)

i. Purchasing Policy Waiver Request

Chief Silver explained the following: what the setup of the Dispatch area looks like including the workstation; similar to designing a kitchen; research done on companies who do this type of work; received 3 bids ranging from \$24k to \$39k; went back to companies and said it was way more than he was expecting to spend; new prices came in between \$18k and \$29k; would like to exempt the sealed bid process and be allowed to go with the 3 received proposals; like to negotiate with the company with the lowest price; lowest is the only local company; would like to purchase from low proposal.

Selectman Woolsey MOTIONED to waive the formal bid process and make the purchase from Wright Line in an amount not to exceed \$19,000 for the "Fire Station Dispatch Equipment" SECONDED by Selectman Plouffe.

VOTE: 5-0-0

e. Traffic Signal High/Exeter/Lafayette (52:19)

Chief Silver made the following comments: does not have the expertise to say what should be done with this intersection; has sat at all the different spots and observed the traffic; he sees that it can work; asked to make a change so that people are not trapped in the intersection; solution was to move the green arrow to the end of the cycle; evaluation that was done on the intersection; to fix it the right way they will have to spend some money; need to make sure the timing is right.

Mr. Welch made comments as follows: not a traffic engineer; cueing moments so that the turn arrow goes first; need to make sure people do not get stuck in the intersection; additional cost of around \$4,000 to do a further study.

Selectman Woolsey made comments as follows: she and Fred Rice agreed that the lights should just be put back the way that they were; not spending any more money on a traffic engineer; let the turn lines go first.

Selectman Pierce questioned how they were before change was made and Chief Silver explained how it was and the problem of what happens when the light turns red and vehicles are stuck in the intersection.

Chairman Nichols asked where the \$4,000 would come from and Mr. Welch confirmed it would come from DPW budget. Mr. Welch is not comfortable with there being money in the budget for this. Chairman Nichols made comments as follows: busiest intersection in Town; amount of money they are looking to spend on other intersections in Town.

Selectman Woolsey MOTIONED to put the lights back the way that they were for this intersection. Motion failed for lack of a second.

Chairman Nichols MOTIONED that they move forward with having Sebago evaluate the intersection and spend the \$4,000 or \$4,500 SECONDED by Selectman Pierce.

VOTE: 4(Nichols,Bean,Plouffe,Pierce)-1(Woolsey)-0

f. Fire Prevention Inspections (2:02:47)

Chief Silver made comments as follows: subject of discussion over the past few weeks; looking to the Board for any ideas they may have; Selectman Bean did have some suggestions on the use of technology; some Towns have the same program for building and fire permits; current list of activities; call log that they do keep; at a point that they have such a high volume of activity; most of the people that are recurring inspections do not suffer; need help with the other projects.

Board Members Pierce and Woolsey made comments and asked questions as follows: was the hold up this year with seasonal businesses and that did not seem to be the case; discussed in detail some of the problems that did occur with seasonal businesses opening; Spring is a busy time not just seasonal but also the same time contractors want to start building; not a busy season so would want help year round; absolutely support funding the Fire Inspector position; this is a professional position and would be filled with a firefighter.

3. Keith Noyes, DPW Director (2:08:57)
  - a. Hampton Dewatering Upgrade
    - i. Change Order Decrease of (\$859.06)

Mr. Noyes made comments as follows: project has come in within the budget; estimate much lower; essence of project completed to satisfaction of DES; areas that they could save in the budget; looked at different options; modifications that were done; painting of the floor needs to be done; decrease of \$859.06; asking the approval of the Board to have the Town Manager sign the change order.

Chairman Nichols questioned why this has to come before the Board and Mr. Welch explained why and his motivation to have Keith come in and discuss the change order. No motion necessary.

b. Winter Maintenance Plan (2:13:01)

Mr. Noyes made comments as follows: project been in the works; picking at over time; useful for department as a guide and help explain to the public why they do what they do; why there is a need for support of the Board; last minute revision by Atty. Gearreald; once Board is ok with plan looking for them to adopt the policy.

Board Member Woolsey, Nichols and Pierce made comments and asked questions which were addressed by Mr. Noyes: concerns with private roads that are not emergency lanes being maintained by the Town; need to work on the private road issue; confirmed with Mr. Noyes that the only private roads that the Town are plowing is the ones that are designated emergency lanes; what differentiates the private roads from emergency lanes; Town does not maintain sidewalks on State or private property; number of private roads that we do not maintain; all designations of emergency lanes have been voted on by the Board at some time in the past.

Chairman Nichols MOTIONED to adopt the Winter Maintenance Plan SECONDED by Selectman Pierce.

VOTE: 5-0-0

c. Sidewalk Maintenance Plan (2:21:05)

Mr. Noyes made comments as follows: project been in the works for a while; gone out and inspected roadways and sidewalks; come up with a rating system; have not been able to do sidewalk maintenance the past few years; concrete sidewalks are not good for this area; top priority is to go in and do as much sealing of the sidewalks as they can.

Selectman Pierce commented that this proves they should have been spending the money in the budget for this item the past few years.

d. Bid Award – Authorization to Waive (2:24:01)

Selectman Woolsey apologized to Mr. Noyes since the Board had voted on April 29, 2013 to waive the bid process for these two items. Chairman Nichols made comments as follows: a little more complicated; waivers requested and granted were to not go through the formal bid process; does not carry through the entire bid process; presented to the Board since it was over \$50,000; both of these have been a clean process and followed the purchasing policy; if over \$50,000 will be coming before the Board so they will not need the email process; Mr. Welch can decide if it is necessary for the Department Head to attend the meeting when these types of approvals are needed from the Board.

Note: Draft minutes are subject to corrections, additions and deletions.

- i. Infiltration and Inflow Study at Hampton Beach – Underwood Engineers  
\$51,300.00

Chairman Nichols MOTIONED to APPROVE the “Infiltration and Inflow Study at Hampton Beach” to Underwood Engineers for \$51,300.00 SECONDED by Selectman Pierce.

VOTE: 5-0-0

- ii. Survey and Preliminary Design for Reconstruction of Exeter Road – CMA  
Engineers \$51,000

Chairman Nichols asked the amounts to do Exeter Road and the breakdown to certain areas such as engineering, sewer drainage; reason why they decided to look more closely at this project; thought they were going to be looking at trenchless technologies as a possibility in conjunction with this bid; and there will be alternatives for the trench digging.

Chairman Nichols MOTIONED to APPROVE the Survey and Preliminary Design for Reconstruction of Exeter Road to CMA Engineers for \$51,000 SECONDED by Selectman Pierce.

VOTE: 5-0-0

- e. Directive on Cessation of Trash and Recycling Collection – Private Property  
(2:30:28)

- i. Approval of Letter to Private Property Owners

Board Members the following: the Board of Selectman made the decision but the memo should come from either Mr. Welch or Mr. Noyes since they will be implementing/enforcing it; some people will not be happy about this, should the calls be directed to the Transfer Station Coordinator; need to put in price and size of carts (decided this does not need to be placed in this memo); reimbursement of carts was a decision made by the Board but will not be included in memo. Changes to the memo: Keith Noyes to sign it; Keith Noyes to answer the calls.

Chairman Nichols MOTIONED to APPROVE the letter reflecting the BOS’s comments and amendments; to Private Property Owners regarding the Selectmen’s directive on the cessation of Trash and Recycling Collection on Private Property SECONDED by Selectman Pierce.

VOTE: 5-0-0

- f. Policy on Solid Waste Pickup on Private Roads (2:34:15)

Selectman Woolsey made comments as follows: how is it not incorporated into deed that that the road is private when you buy your property; does the Board wish to do the same thing on private roads that they did on private property.

Chairman Nichols made comments as follows: list of private roads pretty much complete and includes 54 private road; 10 approved roads; 3 class 6 roads; only picking up on 1 and there are only 3 houses; trailer parks seemed to have fallen off the list; currently picking up trash on 26 of the 54 private roads; looked at 3 deeds and language is not consistent; has never seen anything on a deed that delineates what Town services you will receive; no automatic adjustment on valuation of property if on a private road; not in favor of making

changes to the private roads they are currently picking up and not in favor of taking on any additional private roads; leave this one the way it is.

Selectman Pierce made comments as follows: if we designate a private road an emergency lane then we will plow it, if is not an emergency lane, and is not plowed by the Town, what happens when the trash truck comes to pick up the trash, and it not plowed, how does the truck get down the road; it was stated that the trucks do not/will not pick up the trash on the road if the road is not plowed.

g. Sewer and Drain Building/Equipment Wash Bay 2014 Warrant Article (2:41:06)

Chairman Nichols provided the following background information for Mr. Noyes: discussion by the Board on two items on DPW CIP; mixture of opinions by the Board; factual information for 2014 in regards to tax rate and it is currently at roughly 9%; wonders if it makes sense to go forward with only the Wash Bay at this time.

Mr. Noyes made comments as follows: would like to see the project as a whole; understands the political part; important to have the support of the Board; doing the Wash Bay itself would be about \$200,000; has expressed in the past the need for this project.

Selectman Woolsey asked questions and made comments as follows which were addressed by Mr. Noyes: how do they currently wash the vehicles; facility would be used by all departments; deterioration of rolling stock since cannot maintain them on a regular basis.

Selectman Pierce MOTIONED that they drop that one. Motion failed for lack of a second.

Selectman Woolsey MOTIONED that they move forward with this project SECONDED by Selectman Bean.

Discussion on motion

Selectman Woolsey expressed the reason she is moving the complete project forward is to avoid problems such as the Salt Shed project.

Chairman Nichols made comments as follows: does not have a problem with the facility but cannot see an increase of 9% for the taxpayers; as in 2012 all items passed; in 2013 items with support of whole Board passed; would not go forward with this warrant article; would suggest that it go back to the DPW Director to look for an alternative plan with cost savings.

Selectman Plouffe made comments as follows: feels that the garage is oversized and made some suggestions on size of building; there is some room to work on this plan; can possibly get it to the right amount; need to do this as a complete project, would support this but on a smaller scale.

Chairman Nichols made comments as follows: as in 2012 all items passed; in 2013 items with support of whole Board passed; suggested that they would not go forward with this warrant article; have opened the door and would suggest that it go back to the DPW Director to look for an alternative plan with cost savings.

Selectman Bean made a point of order that there is a motion was on the floor, and that no vote has been taken.

Selectman Woolsey amended her motion to include having this on as a warrant article predicated on a redesign at a little bit lower cost.

Note: Draft minutes are subject to corrections, additions and deletions.

Selectman Bean asked if the motion is rescinded and it is a moot point.

Chairman Nichols summarized that he will remove it for the time being from the 2014 money warrant articles and for it not to disappear place it on the 2015 CIP at \$500,000.

Mr. Noyes asked if there is a number that the Board would be willing to support in respect to the design of the building.

Chairman Nichols made comments as follows: Selectman Plouffe made some good points about size; provided history on projects where that the cost was lowered such as Fire Stations, Church Street Pump Station and so on; expecting Mr. Noyes to come back with this in on a more conservative measure.

There was a discussion on the proposed tax increase in 2015.

h. Five Corners Intersection Reconstruction and Improvements (2:57:16)

Chairman Nichols expressed that there were different viewpoints on this project.

Selectman Woolsey made comments as follows: get rid of it; too many other things; if people don't know how to drive that's too bad; nice neighborhood and leave it alone; not the Boards problem if people do not know how to drive; tree trimming in the area helped.

Selectman Pierce made comments as follows: in Derry there is a 5 point traffic intersection, it is something to look at; accident rate there is high; problem with vehicles driving south on Little River Road interacting with vehicles going west on High Street; accident at least once a month.

Chairman Nichols made comments as follows: two possible approaches; which approach is in the CIP; Mr. Noyes stated the roundabout project is in the CIP for about \$600,000; has not had anybody comment to him as a selectman on this project one way or the other; in 2015 at this point and they may have a better perspective at that point; possibility of moving it out to 2016.

Selectman Plouffe made comments as follows: been going through this intersection for over 30 years, overgrown trees were causing a sight distance problem, suggested slowing the traffic on High Street could help.

Chairman Nichols MOTIONED to move the warrant article for Five Corners Intersection Reconstructions and Improvements to 2016 SECONDED by Selectman Pierce.

VOTE: 3(Nichols,Plouffe,Woolsey)-1(Pierce)-1(Beam)

Selectman Woolsey commented that she is opposed to the Road Capital Reserve Article having the withdrawal section and the need for money in the operating budget.

IV. Approval of Minutes (3:07:11)

1. August 05, 2013

Page 1, 4<sup>th</sup> paragraph, add "Dam" after the word "Gristmill".

Page 8, 3<sup>rd</sup> paragraph change "autonomies" to "automobiles".

Page 9, 4<sup>th</sup> paragraph, add the "it is the" before the word "job".

Selectman Pierce MOTIONED to approve the minutes of August 05, 2013 as amended SECONDED by Selectman Plouffe.

VOTE: 5-0-0

V. Town Manager's Report (3:09:06)

1. Congresswoman Carol-Shea Porter visited Hampton today to discuss Climate Change with the Presidents Advisor.
2. MS4 Draft Stormwater Permit to the Environmental Protection Agency Regional Headquarters in Boston on August 12, 2013 requesting waivers to various components of the proposed permitting process.
3. With great regret the Town has received the resignation of Richard Desrosiers from the Hampton Energy Committee and the 375<sup>th</sup> Commission.
4. Review of Board's Pending Items including: contact points for Acting Interim Supervisor for Seacoast Region; Church Street Pump Station update; Kids Kingdom repairs began this week; mosquito pool in Exeter tested positive for EEE.

Selectman Woolsey made comments as follows: asked for a fiscal accounting from Richard Desrosiers on the 375<sup>th</sup>; does not want to sit here on Monday nights to go through budgets; in the past it was done on a Saturday; hopes the Board agrees to devote a Saturday or two to this process.

Chairman Nichols commented on Selectman Woolsey's comment: he has done this for the past 6 years; it has absolutely fine; believes they added a Thursday night; schedule has gone out from the Finance Director; in favor of doing it in the same process as the past.

Selectman Pierce asked if they have heard anything from SAU 90 and Mr. Welch has not as yet.

VI. Old Business

1. 2014 Warrant Articles (3:15:22)
  - a. Rescinding Chapter 79-E - The Community Revitalization Tax Relief Incentive (3:15:32)

Selectman Bean made comments as follows: interesting to hear about tax increases, when close to \$200,000 was given away last year; price per square foot on new condos; business owners on first floor; heard from the folks who came in tonight; questioned where is the tax relief for others in certain situations like a death of a spouse since 2008, where is the tax relief for those who are building their business and where their building did not burn down; how this tax relief could cover the cost of several projects discussed tonight; fully earned revenue for a luxury project; do not need to give away fully earned tax dollars; pro taxpayer, revenue and Town employees; Green & Company does beautiful work; next project is for 56, potentially 112 units; expects Green & Company to ask for relief on this project; the relief does not help with the debt that is related to beach infrastructure project; how much more do we want to discount; impact on WWTP; equipment needed to support these types of projects; within rights of 79E to rescind this;; can rescind at Town Meeting or Special Town Meeting; local guidelines that can be adopted; no local guidelines in Hampton; gave the whole package away for this project; questions if this is considered affordable housing; read Article 31; loss of \$176,000 in revenue from taxes; next project we could lose potentially \$500,000 in tax revenues; what happens when you deny an application and need to have a reason why; has listened to Senator and other who commented tonight; still no guidelines set by the Planning

Board or this Board; who gets the tax break and the answer he received was the owner and if the condo buyers did not buy April, then the owner receives it; in his opinion those units are not considered affordable housing; did not comply with the law; just gave away the money; 79E has four criteria and number 4 is increases affordable housing, lists the areas where this should be implemented.

Selectman Bean MOTIONED to place a Selectman sponsored warrant article on the 2014 warrant to rescind Article 31 as adopted SECONDED by Selectman Woolsey.

#### Discussion on Motion

Board Member Pierce made the comments: affordable housing is not on beach front property; what was his thought process when that application was approved, not losing any money since we now have a building instead of parking lot, no choice in his mind on how he would vote; tax relief may have been used to encourage the sale of some of these units; thinks what they have done so far is a good thing for Hampton.

Chairman Nichols made the following comments: mathematically numbers given by Selectman Bean are accurate; several ways to view impact of 79E which he went through in detail; assessors predictions on amount of taxes; positive vs. negative financial impact on the Town, going forward; problems with Selectman sponsored an article rescinding only 3 years after sponsoring the original article; Board looks fickle; sends wrong message to everyone; do not know how much the impact is; not in favor of rescinding this; intuitively 79E is good for Hampton in the long run.

Selectman Bean made the following comments: no guidelines were done; does not feel Board looks fickle; does not reflect negatively on anyone

Selectman Woolsey made the following comments: \$30k should not impact a large builder to do a development; relates this to the vote to allow Rye into the sewer system; voters may have a second thought about keeping this in place.

VOTE: 3(Woolsey,Plouffe,Bean)-2(Nichols,Pierce)-0

#### b. Updated Warrant Article List (3:42:40)

Chairman Nichols stated the list has been updated by Kristina.

### VII. New Business (3:43:19)

#### 1. 19 L Street Leases (3:43:20)

- a. Termination of Leases – Four (4)
- b. New Lease

Atty. Gearreald explained the process in place; since 1996 2% land rent; lease needs to be recorded by Town; important to terminate all old leases; this property is the worst and has been a problem for years; kept having new leases and old ones that were not terminated; problem that arose during foreclosure.

Selectman Plouffe MOTIONED to have the Board sign the four Termination of Lease documents and the new lease to Provencher Real Estate, LLC for the property at 19 L Street, to be held in escrow pending the closing scheduled for August 30, 2013; SECONDED by Selectman Woolsey.

Note: Draft minutes are subject to corrections, additions and deletions.

VOTE: 5-0-0

VIII. Consent Agenda (3:46:17)

1. Parade and Public Gathering Permit
  - a. Seafood Festival September 6-8, 2013
2. Solicitation Permit – Local 2664 Hampton Firefighters – 64 Ashworth Avenue 08-18
3. Seafood Festival Sidewalk Vendors License
  - a. 2nd Amendment Gifts & Military Souvenirs – 247 Ocean Blvd
  - b. Mohab's Jewelry – 237 Ocean Blvd
  - c. Maya Mini Mall – 235 Ocean Blvd, Unit A
  - d. MemaKmy – 225 Ocean Blvd
  - e. The Third Eye – 105 Ocean Blvd

Selectman Woolsey MOTIONED to MOVE the Consent Agenda SECONDED by Selectman Pierce

VOTE: 5-0-0

IX. Closing Comments – None

X. Adjournment (3:47:36)

Selectman Woolsey MOTIONED to adjourn at 10:40 PM SECONDED by Selectman Bean.

VOTE: 5-0-0

---

Chairman